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Will Germany deliver another victim to her persecutors on August 31?

In April, Germany deported back to China an Uyghur asylum seeker who "disappeared" after his repatriation. Now, Germany has apologized for the "mistake," yet plans to deport on August 31 Sister Zhao of The Church of Almighty God, who will likely "disappear" as well.

Bitter Winter (27.08.2018) - <https://bit.ly/2ogX0BT> - German authorities have announced that on August 31 they will forcibly deport to China Sister Zhao, an asylum seeker currently detained in Ingelheim who resisted repatriation on July 9.

Nine NGOs active in the field of religious liberty wrote on August 1 to German Chancellor Angela Merkel urging her to intervene on behalf of Sister Zhao.

Ms. Zhao is a member of The Church of Almighty God, a Chinese Christian new religious movement founded in 1991, which is heavily persecuted in China and is included since 1995 in the official list of xie jiao.

Xie jiao (customarily translated as "evil cults," but in fact meaning "heterodox teachings") are movements the government does not approve of. Being active in a xie jiao is a crime punished by Article 300 of the Chinese Criminal Code with a jail penalty of 3 to 7 years or "more."

A confidential CCP document leaked to Western media indicates that a new massive campaign for "eradicating" xie jiao and CAG has been launched in 2018, with the number of arrests and sentences increasing.

In April 2018, Germany deported back to China a Uyghur Muslim asylum seeker. Once he landed in China, he "disappeared," and his lawyer and family have all reasons to fear the

worst. Germany has now apologized calling the deportation "a mistake." Apologies, however, did not save the Uyghur, and late apologies would not save Sister Zhao.

An urgent appeal to Chancellor Angela Merkel

Ms Zhao, a member of The Church of Almighty God, would be arrested and "disappear" if deported to China

Dear Chancellor Merkel:

We are NGOs active in the field of religious liberty, and write about the urgent situation of a Chinese refugee, Ms. Zhao, currently detained at the Aufsichts- und Dienstleistungsdirektion Landeseinrichtung für Asylbegehrende und Ausreisepflichtige in Ingelheim, after she resisted forcible deportation to China on July 9.

We urge you to consider that, should Ms. Zhao be returned to China, she would certainly be arrested and might be subject to torture or "disappear" while in custody.

Ms. Zhao is a member of The Church of Almighty God (CAG), also known as Eastern Lightning, a Chinese Christian new religious movement founded in 1991, whose core teaching is that Jesus has returned on earth incarnated as Almighty God, a Chinese woman currently leading and guiding the Church in the U.S.

CAG teaches that the Chinese Communist Party (CCP), which has consistently persecuted Christians, is a manifestation of the evil Great Red Dragon of the *Book of Revelation*, and that the Dragon will fall under the weight of its errors. CAG does not advocate any revolution and is a non-violent religious movement. Virtually all Western academic scholars who have studied the CAG have debunked the accusation of crimes it has allegedly committed as fake news spread by the Chinese regime.

Because of both its beliefs and its phenomenal expansion (in 2014, CCP sources credited it with four million members), CAG has been persecuted since the 1990s and included since 1995 in the official list of *xie jiao*.

Xie jiao (normally translated as "evil cults," but in fact meaning "heterodox teachings") are movements the government does not approve of. Being active in a *xie jiao* is a crime punished by Article 300 of the Chinese Criminal Code with a jail penalty of 3 to 7 years or "more."

CAG claims that more than 300,000 of its members have been arrested, more than 40,000 tortured, thousands held in the dreaded "transformation through education" camps, and more than 30 died in jail in highly suspicious circumstances. Bodies returned to the families in several cases had organs missing, evidence that the infamous "organ harvesting" practice has been extended to CAG prisoners. Scholars cannot confirm precise figures, but regard them as believable, as Chinese media and documents report weekly that hundreds of CAG members have been arrested.

A confidential CCP document leaked to Western media indicates that a new massive campaign for "eradicating" CAG has been launched in 2018, thousands of members have been arrested and the number of arrests is still increasing.

Those who have sought asylum abroad are regarded as particularly dangerous members of the CAG and as disloyal citizens, and are prime candidates for harsher jail penalties, with a serious risk of torture and extra-judicial killing.

We urge Germany to honor its well-known tradition of protecting human rights and religious liberty and not to return Ms. Zhao, and other CAG members in similar conditions, to her persecutors, granting them the asylum they deserve.

August 1, 2018

CAP-LC Coordination des associations et des particuliers pour la liberté de conscience

CESNUR – Center for Studies on New Religions

EIFRF European Inter-Religious Forum for Religious Freedom

FOB – European Federation for Freedom of Belief

FOREF – Forum for Religious Freedom Europe

HRWF – Human Rights Without Frontiers

LIREC – Center for Studies on Freedom of Belief, Religion and Conscience

ORLIR – International Observatory of Religious Freedom of Refugees

Soteria International

Eilappell an Bundeskanzlerin Angela Merkel

Sehr geehrte Frau Bundeskanzlerin Merkel,

wir sind NGOs, die sich auf dem Gebiet der Religionsfreiheit engagieren und schreiben Ihnen, wegen der prekären Lage der chinesischen Flüchtlingsfrau Zhao, die zur Zeit in der Aufsichts- und Dienstleistungsdirektion Landeseinrichtung für Asylbegehrende und Ausreisepflichtige in Ingelheim festgehalten wird, nachdem sie sich am 9. Juli gewaltsam ihrer Rückführung nach China widersetzt hat.

Wir bitten Sie dringend zu berücksichtigen, dass Frau Zhao, wenn sie nach China zurückgebracht wird, mit Sicherheit verhaftet wird und Gefahr läuft, gefoltert zu werden oder in der Haft „zu verschwinden“.

Frau Zhao ist Mitglied der Kirche des Allmächtigen Gottes (KAG), die auch als Eastern Lightning bekannt ist. Es handelt sich dabei um eine neue christlich-religiöse Bewegung in China, die 1991 gegründet wurde und deren Kernaussage darin besteht, dass Jesus als Inkarnation des Allmächtigen Gottes zur Erde zurückgekehrt ist, und zwar in Gestalt einer chinesischen Frau, welche die Kirche aktuell von den USA aus leitet und führt.

Die KAG lehrt, dass die Kommunistische Partei Chinas (KPCh), die ohne Unterlass Christen verfolgt, die Manifestation des großen roten Drachen sei, von dem im Buch der Offenbarung die Rede ist, und dass der Drache unter der Last der eigenen Fehler zusammenbrechen würde. Die KAG befürwortet in keiner Weise eine Revolution, sie ist eine nicht-gewalttätige religiöse Bewegung. Tatsächlich haben alle westlichen Wissenschaftler, die Studien über die KAG durchgeführt haben, die Verbrechen, welche der Kirche vorgeworfen werden, als Fake News entlarvt, die von der chinesischen Regierung verbreitet worden waren.

Aufgrund der Glaubensinhalte und dem phänomenalen Mitgliederanstieg (2014 schätzten KPCh-Quellen die Mitgliederzahl auf vier Millionen) wird die KAG seit den 1990ern verfolgt und wird seit 1995 auf der offiziellen xie jiao-Liste geführt.

Xie jiao (was normalerweise als "üble Sekten" übersetzt wird, bedeutet tatsächlich "heterodoxe Lehren") sind Bewegungen, die von der Regierung nicht genehmigt sind. In einer xie jiao aktiv zu sein gilt als Straftat, die nach Artikel 300 des chinesischen Strafgesetzbuches mit einer Gefängnisstrafe von 3 bis 7 Jahren oder "mehr" bestraft wird.

Die KAG gibt an, dass mehr als 300 000 ihrer Mitglieder festgenommen wurden, mehr als 40 000 Folter erleiden mussten, Tausende sich in den gefürchteten "Umerziehung durch Bildung"-Lagern befänden und mehr als 30 unter sehr verdächtigen Umständen im Gefängnis zu Tode gekommen seien. Den Leichnamen, die den Familien übergeben wurden, fehlten in mehreren Fällen Organe, ein Beweis dafür, dass die berüchtigte Praxis der Organernte auch auf KAG-Gefangene ausgeweitet wurde. Wissenschaftler können diese Zahlen nicht genau bestätigen, betrachten sie jedoch als glaubwürdig, da in chinesischen Medien und Urkunden jede Woche darüber berichtet wird, dass Hunderte KAG-Mitglieder festgenommen wurden.

Ein vertrauliches KPCh-Dokument, das westlichen Medien zugespielt wurde, zeigt, dass 2018 eine massive neue Kampagne zur "Ausmerzungen" der KAG gestartet wurde, in deren Verlauf bereits Tausende von Mitgliedern festgenommen wurden, wobei die Zahl der Festnahmen weiterhin steigt.

Diejenigen, die im Ausland Asyl beantragt haben, werden als besonders gefährliche KAG-Mitglieder und abtrünnige Bürger betrachtet und sind damit besonders gefährdet härtere Gefängnisstrafen zu erhalten und haben ein höheres Risiko Folter oder außergerichtliche Tötung zu erleiden.

Wir bitten den deutschen Staat eindringlich in Respekt seiner bekannten Tradition als Wahrer der Menschenrechte und der Religionsfreiheit, Frau Zhao nicht zu ihren Verfolgern zurückzuschicken und auch anderen KAG-Mitgliedern in vergleichbaren Situationen Asyl zu gewähren wie es ihnen zusteht.

Hochachtungsvoll,

1. August 2018

CAP_LC Koordination von Vereinigungen und Einzelpersonen für die Gewissensfreiheit
CESNUR - Zentrum für Studien über neue Religionen
EIFRF Europäisches interreligiöses Forum für Religionsfreiheit
FOB - Europäische Föderation für Glaubensfreiheit
FOREF - Forum für Religionsfreiheit Europa
HRWF - Menschenrechte ohne Grenzen/ Human Rights Without Frontiers
LIREC - Zentrum für Studien zur Glaubensfreiheit, Religion und Gewissen
ORLIR - Internationales Beobachtungsstelle für Religionsfreiheit der Flüchtlinge
Soteria International

Berlin court bars Muslim teacher from wearing headscarf

BBC News (09.05.2018) - <https://bbc.in/2x1OCgJ> - A Muslim primary school teacher has lost her bid to overturn a law banning the wearing of religious clothing by public servants in Berlin.

The Berlin labour court judge ruled that the city-state's neutrality law for teachers, police and court officials was constitutional.

Germany's 16 states have differing laws on headscarves in schools.

Three years ago Germany's constitutional court overturned a blanket ban on teachers wearing them.

The federal court cited religious freedom, although civil servants across Germany are barred from covering their faces. The full face-veil is not allowed on a national level but the hijab is.

Germany's patchwork laws on headscarves

Since the 2015 federal ruling each state has devised its own rules for Muslim teachers.

The teacher in Berlin worked at the primary school for only a day before being assigned to a college where she was allowed to wear the headscarf.

And the headscarf issue has become controversial in several German states.

Police were called in recently when a head teacher at a primary school in the state of Hesse provoked a storm of abuse. She had written to parents telling them that wearing headscarves and other coverings was not allowed in the classroom.

In Bremen, in the north west, teachers are allowed to wear headscarves, while in North Rhine-Westphalia the issue is decided on a case-by-case basis. The western state is proposing a ban on girls under 14 wearing headscarves in schools.

The Berlin case has prompted widespread reaction in the German capital.

Wednesday's ruling has been welcomed by the founder of Berlin's liberal mosque, Seyran Ates, who has campaigned to keep religious symbols out of schools.

But Zeynep Cetin of the Network Against Discrimination and Islamophobia argued that the ruling was like a professional ban on the female teacher involved.

Berlin Mayor Michael Müller has expressed his support for Berlin's neutrality law but a Green party politician said he wanted it changed.

A Muslim teacher won a separate case in Berlin last year, when the same labour court ruled that a school had broken anti-discrimination laws by refusing her a job. The school had been unable to prove that the headscarf was a "threat to peace at the school".

Judgment in Case C-414/16 Vera Egenberger v. Evangelisches Werk für Diakonie und Entwicklung eV

The requirement of religious affiliation for a post within the Church must be amenable to effective judicial review

That requirement must be necessary and objectively dictated, having regard to the ethos of the church, by the nature of the occupational activity concerned or the circumstances in which it is carried out, and must comply with the principle of proportionality

EU Court of Justice (17.04.2018) - <https://bit.ly/2H6eRYh> - Ms Vera Egenberger, of no denomination, applied in 2012 for a post offered by Evangelisches Werk für Diakonie und Entwicklung (Protestant Work for Diaconate and Development, Germany). This was a fixed-term post for a project for producing a parallel report on the United Nations International Convention on the Elimination of All Forms of Racial Discrimination. The

work included the representation of the diaconate of Germany vis-à-vis the political world and the general public and the coordination of the opinion-forming process internally. According to the offer of employment, applicants had to belong to a Protestant church or a church belonging to the Working Group of Christian Churches in Germany. Ms Egenberger was not called to an interview. Since she considered that she had been discriminated against on grounds of religion, she sued Evangelisches Werk in the German courts, seeking for it to be ordered to pay her €9 788.65 compensation.

The Bundesarbeitsgericht (Federal Labour Court, Germany), which is hearing the case, asked the Court of Justice to interpret in this context the Anti-Discrimination Directive,^(*) which aims to protect the fundamental right of workers not to be discriminated against on grounds, inter alia, of religion or belief. However, that directive also takes into account the right of autonomy of churches (and other public or private organisations whose ethos is based on religion or belief), as recognised by EU law, in particular the Charter of Fundamental Rights of the European Union.

Thus the directive provides that a church (or other organisation whose ethos is based on religion or belief) may impose a requirement related to religion or belief if, having regard to the nature of the activity concerned or the context in which it is carried out, 'religion or belief constitute[s] a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos'. The Bundesarbeitsgericht observes in this respect that, in accordance with the case-law of the Bundesverfassungsgericht (Federal Constitutional Court, Germany) on the churches' privilege of self-determination, judicial review of compliance with those criteria should be limited, in Germany, to a review of plausibility on the basis of the church's self-perception. It therefore puts questions to the Court in particular on whether such limited judicial review is compatible with the directive.

In today's judgment, the Court starts by finding that, under the directive, the right of autonomy of churches (and other organisations whose ethos is based on religion or belief), on the one hand, and, on the other hand, the right of workers, inter alia when they are being recruited, not to be discriminated against on grounds of religion or belief must be the subject of a balancing exercise, in order to ensure a fair balance between them.

According to the Court, in the event of a dispute, it must be possible for such a balancing exercise to be the subject of review by an independent authority, and ultimately by a national court.

Thus, where a church (or other organisation whose ethos is based on religion or belief) asserts, in support of an act or decision such as the rejection of an application for employment with it, that by reason of the nature of the activities concerned or the context in which they are to be carried out, religion constitutes a genuine, legitimate and justified occupational requirement, having regard to the ethos of the church (or organisation), it must be possible for such an assertion to be the subject of effective judicial review. The court hearing the case must ensure that, in the particular case, the criteria laid down by the directive for striking a balance between the possibly competing rights are satisfied.

The Court observes in this respect that, in principle, it is not for the national courts to rule on the ethos as such on which the purported occupational requirement is founded. They must nevertheless decide, on a case-by-case basis, whether the three criteria concerning a 'genuine, legitimate and justified' requirement are satisfied from the point of view of that ethos.

Consequently, the national courts must ascertain whether the requirement put forward is necessary and objectively dictated, having regard to the ethos of the church (or organisation) concerned, by the nature of the occupational activity in question or the

circumstances in which it is carried out. In addition, the requirement must comply with the principle of proportionality, that is to say, it must be appropriate and not go beyond what is necessary for attaining the objective pursued.

Finally, as regards the point that an EU directive does not, in principle, have direct effect between individuals but has to be transposed into national law, the Court recalls that it is for the national courts to interpret the national law transposing the directive, as far as possible, in conformity with that directive.

Should it prove impossible to interpret the applicable national law (in the present case, the German General Law on equal treatment) in conformity with the Anti-Discrimination Directive, as interpreted by the Court in today's judgment, the Court states that a national court hearing a dispute between two individuals will have to disapply the national law.

Since the Charter is applicable, the national court must ensure the judicial protection deriving for individuals from the prohibition of all discrimination on grounds of religion or belief (laid down in Article 21 of the Charter, that prohibition is mandatory as a general principle of EU law) and the right to effective judicial protection (laid down in Article 47 of the Charter). Both that prohibition of discrimination and the right to effective judicial protection are sufficient in themselves to confer on individuals a right which they may rely on as such in disputes between them and other individuals in a field covered by EU law.

(*) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16)

German Muslim leader says anti-Semitism is a sin

Deutsche Welle (24.04.2018) - <https://bit.ly/2r3nGav> - The head of Germany's Central Council of Muslims has said anti-Semitism is sinful and must be tackled. His comments came after Chancellor Angela Merkel voiced concern about a "new phenomenon" of anti-Jewish sentiment.

Hatred and abuse of Jewish people are against the tenets of Islam, the president of Germany's Central Council of Muslims, Aiman Mazyek, said, adding that the Muslim community had work to do in tackling the problem.

"Anti-Semitism, racism and hatred are great sins in Islam, therefore we will also never tolerate that," Mazyek told the Tuesday edition of the regional newspaper *Rheinische Post*.

The Muslim leader made his comments in response to remarks by German Chancellor Angela Merkel to an Israeli broadcaster at the weekend. [Merkel told Channel 10 News](#) that "refugees and other people of Arab origin are bringing a different form of anti-Semitism into the country."

Mazyek said he accepted that Merkel's comments had been sufficiently "nuanced," recognizing that anti-Semitism had not arrived with refugees. However, he admitted there was a problem.

"We take it very seriously that there is anti-Semitism present among some refugees," Mazyek told the Düsseldorf-based newspaper. He added that the Central Council was organizing meetings between Jews and refugees, and that it was running educational programs that included visits to memorial sites at former concentration camps.

Merkel had made her comments after reports of several anti-Semitic attacks by Muslims in Germany in recent weeks. In [one instance that was caught on camera](#) last Tuesday, a man was attacked for wearing a Jewish skullcap in Berlin's Prenzlauer Berg district. The victim, in fact, said he was not Jewish but an Arab Israeli. A 19-year-old Syrian [turned himself in to the police](#) after the attack sparked outrage across Germany.

During her interview, the chancellor also spoke about wider anti-Semitism in German society, saying she found it "depressing" that synagogues and Jewish schools still had to be protected by police around the clock.

President of Germany's Central Council of Jews Josef Schuster on Tuesday advised individuals in large German cities to avoid wearing headwear such as the kippah or yarmulke where it might invite danger.

Schuster said that "in principle" it would be best to show one's faith defiantly, as evidenced in a campaign started by the Jewish community entitled "Berlin wears the kippah."

However, Schuster added: "In spite of this, I would actually have to advise individuals against openly appearing in large city environments wearing a kippah."

How should Germany deal with Islamic anti-Semitism?

By Kersten Knipp

Deutsche Welle (24.04.2018) - <https://bit.ly/2JkixCf> - There have been multiple instances of attacks and threats against Jews in Germany. What motivates such violence, and what steps must be taken to prevent it?

Rapper Felix Blume, known by his stage name Kollegah, [sparked controversy earlier this month](#) with a song that contained the line: "My body is more defined than those of Auschwitz inmates." That the line pops up rather abruptly in the song makes it stand out all the more, and has helped to fuel the media firestorm surrounding Blume and his colleague Farid Bang, with whom he recorded the track, titled "Jung Brutal Gutaussehend 3" (Young, Brutal, Good Looking 3).

It is not the first time Blume has made reference to Germany's Nazi era in his music. His earlier music contains lyrics about the "final solution to the rapper question," the SS and the Wehrmacht.

In their introduction to their anthology "Deutscher Gangsta-Rap," sociologist Martin Seeliger and social psychologist Marc Dietrich write that a central characteristic of rap is the "presentation of hardness," the "presentation elements of power fixation," and "versions of hyper-masculinity." Anti-Semitism does not necessarily have a history within the genre, but the sales figures of Kollegah's album indicate that his fan base is still supportive of his work.

A new form of anti-Semitism

The fact that Blume converted to Islam at the age of 15 has fueled the ongoing debate in Germany over Islam and the issue of anti-Semitism. An incident earlier this month in Berlin, in which a [young Syrian man was filmed attacking two other young men wearing kippahs](#) with a belt, sparked uproar in the country.

"Other than the classic anti-Semitism from the right and increasingly the left, anti-Semitism among Muslims poses great challenges to us," the head of the Central Council of Jews in Germany, Daniel Botmann, said several days ago during a speech in Berlin. It is important to keep in mind that Israel-oriented anti-Semitism is not a problem that only exists in Muslim communities, he went on. "Nonetheless, Muslim communities must credibly and thoroughly fight anti-Semitism within their own ranks and make it their own matter."

A similar sentiment was expressed back in December by then-Justice Minister (and now Foreign Minister) Heiko Maas. He said the principle that anti-Semitism will not be accepted in Germany must be conveyed "not only to every German student, but also to the people who have come to Germany in the past few months and years as refugees. Many have hardly had any reason to deal with German history. On the contrary, they often come from countries in which the powerful stir up hate for Jews and Israel and anti-Semitism has almost become a cultural matter of fact."

Countermeasures required

Resolute countermeasures are called for, said Ahmad Mansour, a Muslim social psychologist from Israel, in a German political TV talk show this past weekend — adding that such measures are nowhere in sight. "We don't offer clear values to the youths and other people who approach us," he said. "We don't show them what society expects of them, we don't tell them why this society won't tolerate anti-Semitism."

Demands are twice as high on the society that accepts migrants in their midst in times when some of these migrants apparently do not or at least do not sufficiently deal with the standards of the country they have moved to, but perhaps don't even accept them.

[The Muslim communities have to take a stand](#), too, according to Mansour: "We need mosques that do more than stage vigils, or participate in the German Islam Conference's press conference only to say, that's something we condemn. We need mosques that will say during Friday prayer that in this country, people must not question Israel's right to exist."

Justice Minister Katarina Barley warns of rising anti-Semitism

Deutsche Welle (21.04.2018) - <https://bit.ly/2HQCRM7> - "Anti-Semitism is becoming socially acceptable again," said Katarina Barley. Her statements came in the wake of an anti-Semitic attack that shocked Berlin.

Germany's Justice Minister Katarina Barley warned about rising anti-Semitism on Saturday following [an assault on a young man](#) wearing a kippah in Berlin.

"We have to admit that anti-Semitism is becoming socially acceptable again," Barley told the Funke Media Group. "It's our job to work against this development."

Barley said that it was important to stress to newcomers that religious discrimination "has no place in Germany," and that "anyone who promotes anti-Semitism will have to reckon with the firm hand of the law."

On Tuesday, a young man called Adam, an Arab Israeli, decided to wear a Jewish skullcap in his Berlin neighborhood as a social experiment – to see if he would face prejudicial treatment, as a friend told him he might.

In a video shared widely on social media, Adam and his companion were rushed at with belts by a man yelling "Jew" at them in Arabic.

"At that moment I realized I have to take a video of it. I wanted to have evidence for police and the German people and the world to see how terrible it is these days as a Jew to go through Berlin streets," he told DW. His alleged assailant [has been arrested](#).

In response, Berlin's Jewish community is planning a "Berlin wears a kippah" campaign, mobilizing people of all religions to don the head covering in a show of inter-faith solidarity.

According to Germany's anti-Semitism commissioner, "1,500 anti-Semitic attacks are registered by police every year."

Additional information about anti-Semitism in Germany:

Huffington Post: Germany Confronts Rising Anti-Semitism After Rap Duo With Holocaust Lyrics Wins Award (19.04.2018) - <https://bit.ly/2Hi1SP1>

German police investigate anti-Semitic attack in Berlin

Video <https://jfda.de/blog/2018/04/17/antisemitischer-angriff-in-berlin-prenzlauer-berg/>

BBC (18.04.2018) - <http://www.bbc.com/news/world-europe-43812273> - German police are investigating an assault on two young men in Berlin, in which the attacker was filmed shouting anti-Semitic abuse.

The men say they were harassed in the Prenzlauer Berg area on Monday while wearing Jewish skullcaps (kippahs).

A video of the incident, which was later shared on Facebook, shows the attacker hitting the men with his belt.

He is heard shouting "Yahudi", an Arabic word for Jew, before being dragged away by another man.

One of the victims, a 21-year-old Israeli called Adam, then reportedly followed the attacker but gave up after a glass bottle was thrown at him.

"I'm surprised something like this happened to me. I'm still in shock," he told Israel's Kan television channel.

"It happened right here, next to my home, when I was on my way to the train station with my friend."

He said a group of three men started insulting them and became angry when they were asked to stop.

"One of them ran at me," he said. "I immediately felt it was important to film because I didn't think we could catch him before police arrived."

The video of the attack was shared on Facebook by the **Jewish Forum for Democracy and against Anti-Semitism (JFDA)**, which said the attack was unbearable to see.

"I used to always advise my Jewish friends and acquaintances not to wear a kippah so as not to show their Jewish identity. I changed my opinion," a spokesman said.

"We must take up this fight and be visible again in public."

In a twist to the story, the Israeli victim later told German media that he had grown up in an Arab family in Israel and was not himself Jewish. He had been given the kippah a few days before by a friend from Israel who had told him it was dangerous to wear one in Berlin and he wanted to see if that was true.

Germany's Jewish population has grown rapidly since the fall of the Berlin Wall.

Before 1989, the population was below 30,000 but an influx of Jews, mainly from the former Soviet Union, has raised the number to more than 200,000.

ECtHR endorses German courts' decisions to take Twelve Tribes Church children into care because of caning

See full judgments of the European Court: <https://bit.ly/2pwBo5z> - <https://bit.ly/2GaAu8x>

CoE Registrar of the European Court (22.03.2018) - In today's Chamber judgments¹ in the cases of Tlapak and Others v. Germany (nos. 11308/16 and 11344/16) and Wetjen and Others v. Germany (application nos. 68125/14 and 72204/14) the European Court of Human Rights held, unanimously, that there had been: no violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

The cases concerned the partial withdrawal of parental authority and the taking into care of children belonging to the Twelve Tribes Church (Zwölf Stämme), living in two communities in Bavaria (Germany). In 2012 the press reported that church members punished their children by caning. The reports were subsequently corroborated by video footage of caning filmed with a hidden camera in one of the communities. Based on these press reports, as well as statements by former members of the church, the children living in the communities were taken into care in September 2013 by court order. The proceedings before the European Court have been brought by four families who are members of the Twelve Tribes Church. They complain about the German courts' partial withdrawal of their parental authority and the splitting up of their families.

The Court agreed with the German courts that the risk of systematic and regular caning of children justified withdrawing parts of the parents' authority and taking the children into care. Their decisions had been based on a risk of inhuman or degrading treatment, which is prohibited in absolute terms under the European Convention.

The Court pointed out, moreover, that the German courts had given detailed reasons why they had had no other option available to them to protect the children. In particular, the parents had remained convinced during the proceedings that corporal punishment was acceptable and, even if they would have agreed to no caning, there had been no way of ensuring that it would not be carried out by other members of the community.

Therefore, the German courts, in fair and reasonable proceedings in which each child's case had been looked at individually, had struck a balance between the interests of the parents and the best interests of the children.

Principal facts

Both cases concerned four families who are members of the Twelve Tribes Church (Zwölf Stämme), living in two communities in Bavaria (Germany). The applicants in the first case are the parents of the Tlapak and Pinggen families, who resided previously in the Wörnitz community. The applicants in the second case are the parents and children of the Wetjen and Schott families, who used to live together in the Klosterzimmern community.

In 2012 the press reported that the Twelve Tribes Church punished their children by caning. A year later a television reporter sent video footage, filmed with a hidden camera, to the local child welfare services and the Nördlingen Family Court, showing the caning of various children between the ages of three and 12.

At the request of the child welfare services, the family courts brought interim custody proceedings regarding all children in the Twelve Tribes communities, including the eight Tlapak, Pinggen, Wetjen and Schott children. They based their decisions on the press reports as well as statements by former members of the church. The courts withdrew certain of the parents' rights, including making decisions on their children's place of residence, health and schooling, and in September 2013 the welfare services took the communities' children into care. Some of the children were placed in children's homes, others in foster families.

After the four families' children had been taken into care, the family courts initiated main proceedings concerning custody and commissioned psychologists' expert opinions.

In the proceedings before the European Court, the Wetjen and Schott families complained about the interim proceedings and the Tlapak and Pinggen parents complained about the main proceedings. In both sets of proceedings, the courts concluded that caning constituted child abuse and that taking the children into care had been justified by the risk of the children being subjected to such abuse while living with their parents. The courts established this risk after having heard the parents, the children (except for two who were too young to be questioned), the children's guardians ad litem and representatives of the youth office. In the Tlapak and Pinggen families' case, the courts also heard the psychologist who had been commissioned to draw up a report as well as the expert commissioned by the applicants. In the Wetjen and Schott families' case, which concerned the interim proceedings, the courts deferred the psychologist's conclusions to the main proceedings. The courts also gave detailed reasons why there was no alternative option to protecting the

children, other than taking them into care. In particular, during the proceedings the parents remained convinced that corporal punishment was a legitimate child-rearing method. Even if the parents themselves would agree to no caning, there was no way of ensuring that other members of the community would not carry out such punishment on their children. Both sets of proceedings ended in August 2015 and May 2014 with the Federal Constitutional Court's refusal to admit the applicants' complaints.

The Tlapak parents moved to the Czech Republic in 2015 and have been living there since, without their son, who remained in care. The court order concerning the Pinggen's son was temporarily lifted in December 2014 because he was just one year and six months old, and was still being breastfed.

The Pingens other children, two daughters, remained in foster care. The Schotts' eldest daughter returned to the community in December 2013 as she was 14 years' old and no longer at risk of being caned. The Schotts' remaining two daughters and the Wetjens' son remained in care at the end of the interim proceedings.

Complaints, procedure and composition of the Court

Relying in particular on Article 8 (right to respect for private and family life), the applicants complained about the proceedings to partly withdraw parental authority and separate the parents from their children. They also alleged that the relevant proceedings (the interim proceedings for the Wetjen and Schott families and the main proceedings for the Tlapak and Pingen families) had been unreasonably long.

The applications were lodged with the European Court of Human Rights on 24 February 2016 (Tlapak and Others) and 17 October and 14 November 2014 (Wetjen and Others).

The judgments were given by a Chamber of seven judges, composed as follows:

Erik Møse (Norway), President,
Angelika Nußberger (Germany),
André Potocki (France),
Yonko Grozev (Bulgaria),
Síofra O'Leary (Ireland),
Gabriele Kucsko-Stadlmayer (Austria),
Lətif Hüseynov (Azerbaijan),
and also Milan Blaško, Deputy Section Registrar.

Decision of the Court

Length of the proceedings

The Court rejected as inadmissible the Tlapak and Pingen parents' complaint that the main custody proceedings had been excessively long. The proceedings had taken one year and 11 months, during which time the Family Court could not be held responsible for any particular delays. On the contrary, the court had been active: it had commissioned a psychologist's opinion, heard the applicants, their children and further witnesses and led negotiations for a settlement between the applicants and the youth office.

In view of the Government's declaration recognising that there had been a violation of Article 8 concerning the length of the interim proceedings, namely from September 2013 to May 2014, in the Wetjen and Schott families' cases and proposing compensation, the Court decided to strike out of its list of cases those parts of the applications.

Withdrawal of parental authority

First the Court found that the decisions to withdraw some parental rights had constituted an interference with the applicants' right to respect for their family life. The decisions, based in national law and on the likelihood that the children would be caned, had aimed at protecting the "rights and freedoms" of the children.

Furthermore, the Court was satisfied that the decision-making process in the cases had been reasonable. The applicants, assisted by counsel, had been able to put forward all their arguments against withdrawal of parental authority. The courts had had the benefit of direct contact with all those concerned and had diligently established the facts. Even

though the Tlapaks and Pingens had withdrawn their consent for the psychologists' opinion to be used as evidence in the proceedings, the Court considered that it had been justified for the German courts to use the opinion given the general interest at stake, namely the effective protection of children in family court proceedings. It also found it acceptable that the family courts had not awaited the conclusions of the psychologist concerning the Wetjens and the Schotts in the interim proceedings, given the need for particular speediness in such proceedings.

Although taking children into care and splitting up a family constituted a very serious interference with the right to respect for family life and should only be used as a last resort, the domestic courts' decisions had been based on a risk of inhuman or degrading treatment, which is prohibited in absolute terms under the European Convention. The courts had taken an individualised approach, taking into account whether each child was of an age where they were at risk of corporal punishment. The courts had also given detailed reasons why there had been no other options available to protect the children and the Court agreed with those conclusions. Moreover, the proceedings had concerned a form of institutionalised violence against minors, considered by the applicant parents as an element of the children's upbringing. Consequently, any assistance by the youth office, such as training the parents, could not have effectively protected the children, as corporally disciplining the children had been based on their unshakeable dogma.

Therefore, based on fair proceedings, the domestic courts had struck a balance between the interests of the applicant parents and the best interests of the applicant children which did not fall outside the domestic authorities' wide room for manoeuvre ("margin of appreciation") when assessing the necessity of taking a child into care.

Just satisfaction (Article 41)

In the case of *Wetjen and Others*, the Court, taking note of the Government's declaration recognising that there had been a violation of Article 8 as concerned the length of the interim proceedings, directed that Germany was to pay the Wetjens 9,000 euros (EUR) and the Schotts EUR 8,000 in respect of pecuniary and non-pecuniary damage as well as costs and expenses.

Far-right German MP slammed for anti-Muslim tweet

Aljazeera (02.01.2018) - <http://bit.ly/2EKlcUm> - A far-right German politician has been condemned for an anti-Arab and anti-Muslim Tweet, which briefly saw her suspended from the platform.

The Alternative for Germany (AfD) MP Beatrix von Storch said Cologne police were appeasing "barbaric, gang-raping, Muslim hordes" when they tweeted out a New Year's Day message in Arabic.

Under newly introduced German hate laws, social media platforms must respond quickly to remove hate speech or face fines of up to 50 million euros (\$60m).

Von Storch was condemned for the tweet by some social media users, but far-right activists rallied around her, accusing Twitter and the German authorities of censorship.

Once considered part of the eurosceptic right, the AfD has transformed into a hard-right, anti-Islam party in recent years.

That change occurred in the aftermath of the ongoing European refugee crisis, which saw more than a million people, mainly from Syria and Iraq, either claim refuge in Germany or transit through the state to other European nations.

In 2016, the party published a manifesto declaring Islam as "not welcome" in Germany. Bernd Lucke, one of the party's founders, resigned in 2016, condemning it as "Islamophobic and xenophobic".

Rallies against the AfD regularly draw thousands of Germans, but that hasn't stopped the party's electoral success.

In September 2017, it became the first far-right party since the Nazis to enter the German parliament, after picking up 12.6 percent of the vote, which equalled 94 seats.
